

**IN THE DISTRICT COURT OF THE UNITED
STATES FOR THE MIDDLE DISTRICT OF
ALABAMA, EASTERN DIVISION**

GENE COGGINS Pro-st
Plaintiff

V:

Civil Action No. 3:07 CV -991 MEF

LINDA HARRIS REVENUE
COMMISSIONER FOR
TALLAPOOSA COUNTY
Defendant

REPLY TO DOCUMENT NO. 05 DATED 11-09 07

COMES NOW THE PLAINTIFF, GENE COGGINS WITH HIS REPLY TO ABOVE ORDERS, MOTIONS, RECOMMENDATIONS BY MAGISTRATE JUDGE SUSAN RUSS WALKER. WHEN A RULE OF LAW IS COVERED BY THE GUARANTEED DUE PROCESS OF LAW, AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, GIVES EFVERY CITIZEN,(INCLUDING ME), THAT HAS BEEN DENIED ANY PART OF THIS PROCESS, HAS THE RIGHT TO FILE HIS COMPLAINT IN FEDERAL COURT,, THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, WITH THIS CONCEPT OF "THE DUE PROCESS OF LAW", IS EMBEDDED IN THE FIFTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES, AND HAS PRESTIGE OVER ANY OTHER RULE OF LAW, LIKE THE ONE THIS COURT

CONSTANTLY USES AS FOUND IN 28 U. S. C. s/s 1915 (e) (2) (b), IMPROPER AND ILLEGALLY USED TO PROP UP THE OLD BUDDY SYSTEM. THESE RIGHTS AS GIVEN IN THE GUARANTEED DUE PROCESS OF LAW HAVE BEEN PLACED IN THE CONSTITUTION OF THE UNITED STATES THAT NO COURT, JUDGE OR ANY FORM THERE OF CAN LEGAL CHANGE OR DENY, WITHOUT PLACING THEM SELF IN THE POSITION OF BREAKING THE OATH OF OFFICE THEY TOOK. THIS LEADS TO A FELONY AND PERJURY CONVICTION.

THE WAY THIS CASE HAS BEEN HANDLED PROVES THIS, WHERE ON THE FIRST PAGE FOOTNOTES YOU STATED THAT "SEVERAL HAVE BEEN DISMISSED PRIOR TO SERVICE OF PROCESS", HERE AGAIN IS ANOTHER ILLEGAL METHOD THIS COURT HAS USED TO PROTECT THEIR BUDDY SYSTEM, FOR I PLACED ALL COMPLAINTS AND SUMMONS IN THE UNITED STATES MAIL, SENT CERTIFIED WITH RECEIPT, RETURNED TO CLERK OF THE COURT, AS GIVEN IN THE FEDERAL RULES OF LAW 3, 4, 5, CIVIL PROCEDURES. MAKING EVERY ILLEGAL ATTEMPT THIS COURT MADE TO BLOCK THE DUE PROCESS OF LAW WITH EVERY ONE OWN PAPER WORK AS PROOF OF THE GUARANTEED CONSTITUTIONAL RIGHT VIOLATION, PROVIDING MORE EVIDENCE TO THE UNITED STATES DEPARTMENT OF JUSTICE.

AGAIN ON THE FIRST PAGE YOU STATED THAT "NONE HAVE SURVIVED BEYOND THE DISMISS STAGE" , IF YOU HAD BOTHERED TO LOOK AT YOUR COMPUTER IN U.S. APPEALS YOU WOULD HAVE SEEN THE FOLLOWING;

1. GENE COGGINS V; GLORIA SINCLAIR

2. GENE COGGINS V: TOM YOUNG

3. GENE COGGINS V: MARK E. FULLER

AND AGAIN THERE ARE THREE BEING APPEALED TO THE UNITED STATES SUPREME COURT AT THIS TIME.

THIS COURT HAS TRIED TO STOP EVERY APPEAL WITH THE ORDERS OF FREVOLOUS APPEAL, DENIED AS MOOT, WITHOUT ARGUABLE MERITS, THIS IS WHY I FILED A MOTION FOR THE USE OF THE APPENDIX SYSTEM, BECAUSE GUARANTEED CONSTITUTION RIGHTS ARE NON ARGUABLE, BUT ARE SET UP BY THE DUE PROCESS OF LAW UNDER THE CONSTITUTION TO BE PRESENTED IN THE FEDERAL COURT SYSTEM. WHERE YOU STATED THAT "FAILS TO STATE A CLAIM", A GUARANTEED CONSTITUTION RIGHT IS NOT A JOKE, BUT GIVEN TO ALL CITIZENS BY THE UNITED STATES GOVERNMENT. THE STATUES PROVIDE THAT THIS CANNOT BE USED TO PREVENT A CASE FROM BEING HEARD IN ANY COURT. "SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF 28 U. S. C. s/s 1915 (e)(2)(b)..THIS IS NOT THE PREVAILING LAW, GOVERNING LAW SUITS,. LOOK IN THE CONSTITUTION OF THE UNITED STATES AT THE 11TH AMENDMENT, WHERE EVERY CITIZEN CAN SUE OR BE SUED BY ANY CITIZEN OF THE SAME STATE, WITH NO IMMUNITY GIVEN FOR ANY ONE, FOR THIS IS THE PREVAILING AND DOMINATE LAW THAT OVER RIDES ALL OTHER.. "PLAINTIFF COMPLAINT FAILS TO STATE A SUBSTANTIVE DUE PROCESS CLAIM UPON WHICH RELIEF MAY BE GRANTED", . AGAIN ON THE FIRST PAGE OF MY COMPLAINT STATED OF A CONSTITUTION RIGHT VIOLATION

THAT CAN ONLY PLACE THIS CASE IN THE FEDERAL COURT SYSTEM.. ON
PAGE NO 02. FOOTNOTES NO 04. YOU STATED “ONE GLARING DEFICIENCY IF
THAT PLAINTIFF HAS NOT ALLEGED FACTS DEMONSTRATING THAT HE
INDIVIDUALLY, HAS STANDING TO CHALLENGE AN ASSESSMENT OF TAXES
AGAINST HIS MOTHERS ESTATE”, THIS SO PLAINLY TELLS ME THAT YOU DON’T
EVEN READ WHAT THE COMPLAINT IS ABOUT. THE ASSESSMENT OF TAXES
HAS NOTHING TO DO WITH THIS PROBLEM.. THE PROBLEM IS, THERE IS NO
PROPERTY IN MOTHER NAME TO ASSESS ANY TAXES ON. UNDER THE LAW
THERE CAN BE NO ESTATE UNLESS THAT PERSON OWNS SOME REAL OR
TANGIBLE PROPERTY THAT CAN BE PLACED WITHIN AN ESTATE.. ANY
PERSON THAT FAILS TO OWN ANY ESTATE IN LAND AT THEIR DEATH, THE
TENANT, (ONE THAT MAINTAINS AND LIVES THERE), REPRESENTS HIM IN
PERPETUUM, ACCORDING TO ESTABLISHED ORDER OF DESCENT. Administration &
Trust Co. V: Catron 171, Tenn. 268, 102, S. W. 2d, 59, 60..

CONCLUSION;

WITH ALL OF THE ILLEGAL ATTEMPTS MADE BY THIS COURT TO STOP OR
DESTROY EVERY CASE THAT I HAVE PRESENTED, I AM SURE THAT THIS WILL BE
NO DIFFERENT. THE ESTABLISHED DUE PROCESS OF LAW AS GUARANTEED BY
THE UNITED STATES CONSTITUTION DOES NOT EXIST HERE. FOR THESE LAWS
FORBID CONDEMNATION WITHOUT A HEARING, WHERE EVERY CITIZEN HAS THE
RIGHT TO BE HEARD IN ANY COURT. Pettit V:: Penn. La, App. 180, So. 2d, 66, 69. W
WITH BOTH SIDES BEING REPRESENTED THERE, WITHOUT ANY PRE-JUDGING ON

ANY CASE. WHERE BIAS AND FOREJUDGMENT, PRECONCEIVE OPINIONS ARE LEANING TOWARD ONE SIDE OF A CAUSE ,FOR SOME REASONS OTHER THAN CONVICTION OF EQUAL JUSTICE. THAT WHICH DISQUALIFIES JUDGES (LIKE THE ONES INVOLVED IN MY CASES), IS CONDICTION STATE OF MIND WHICH SWAYS JUDGMENT AND RENDERS JUDGES UNABLE TO EXERCISE HIS FUNCTIONS IMPARTIALLY IN ANY PARTICULAR CASE. IT REFERS TO MENTAL ATTITUDE OR DISPOSITION OF THE JUDGE TOWARD A PARTY TO THE LITIGATION AND NOT TO ANY VIEWS THAT HE MAY ENTERTAIN REGARDING THE SUBJECT MATTER INVOLVED. State ex rel Mitchell V: Sage Store Co. 157 Kan. 622, 143, P. 2d, 652, 655.. LOOK AT THE TIME THIS COURT HAS DISMISSED OR DENIED A BILL THAT I PRESENTED, MEANS AS A DECLARATION THAT I HAVE NO RIGHTS OR ANY PRIVILEGES TO BE CONSIDERED AS THEREBY WAIVED OR LOST. THESE ERRORS SUBSTANTIALLY EFFECT APPELLANT'S LEGAL RIGHTS AND OBLIGATIONS. Erskine V: Upham 56 Cal. App. 2d, 235, 132, P. 2d, 219, 228; Trepanier V: Standard Min & Mill Co. 56 Wyo. 29, 123, P.2d, 378, 380. SUCH ACTIONS MAY BE GROUNDS FOR NEW TRIAL AND REVERSAL OF JUDGMENT. THIS APPLIES TO EVERY CASE THAT I HAVE PRESENTED IN THIS COURT. Fed. R. Civil P. 59 A PREJUDICIAL ERROR IS ONE WHICH AFFECTS THE FINAL RESULTS OF THE TRIAL. State V: Gilcrist, 15 Wash. App. 892, 552, P. 2d, 690, 693.. Sheppard V: Maxwell 384, U. S. 333, 86, S. Ct. 1507, 16, L. E. D. 2d, 600. ... FROM THE RECOMMENDATIONS YOU SENT ME, I CAN SEE THAT JUDGE MARK FULLER, ADVISED YOU TO DISPOSE OF THIS, FOR EVERY WORD IS A REPET OF HIS PRIOR ORDERS.


 GENE COGGINS

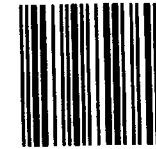
CERTIFICATE OF SERVICE

I, GENE COGGINS, HEREBY CERTIFY THAT I HAVE PLACED IN
THE UNITED STATES MAIL A COPY OF THIS FOREGOING ACTION, TO
ALL INVOLVED IN THIS CASE, TO THE LAST KNOWN ADDRESS, WITH
PROPER POSTAGE, AND SENT UPON THIS DAY;

Gene Coggins
GENE COGGINS

November 19, 2007
DATE

GENE COGGINS
1436 COUNTY RD. #299
LANETT, AL 36863



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